



U.S. Department of Justice

Office of Information Policy

Telephone: (202) 514-3642

Washington, D.C. 20530

SEP 22 2009

ADMINISTRATIVE APPEAL REMAND MEMORANDUM

TO: **David Hardy**
Section Chief
RIDS/RMD
Federal Bureau of Investigation

[Redacted]
Team Leader
RIDS/RMD
Federal Bureau of Investigation

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FROM: **Melanie Ann Pustay**
Director

Janice Galli McLeod
Associate Director

SUBJECT: **Instructions for Processing Administrative Appeal Following Remand**

FOIPA No. 1133885	Requester's Name: Tommie K. Tyler
Appeal No. 2009-2484	Subject of Request: Bob Marley

The administrative appeal referenced above has been remanded by this Office to the FBI for further processing. At this time, please reopen this file and perform the following actions:

Search for and process responsive records in addition to those in the Reading Room.

The OIP attorney reviewing this administrative appeal coordinated this action through [Redacted] of the RIDS/RMD. If you have any further questions concerning this action, please do not hesitate to contact [Redacted]

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SEP 22 2009

Mr. Tommie K. Tyler



Bowling Green, MO 63334

Re: Appeal No. 09-2484
Request No. 1133885
ADW:RMF

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Dear Mr. Tyler:

You appealed from the action of the Headquarters Office of the Federal Bureau of Investigation on your request for access to records pertaining to Bob Marley.

After carefully considering your appeal, and following discussions between FBI personnel and a member of my staff, I am remanding your request for a further search for responsive records. If the FBI locates additional records, it will send any and all releasable records to you directly, subject to any fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of your remanded request, please contact the FBI directly.

If you are dissatisfied with my action on your appeal, you may file a lawsuit in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

Janice Galli McLeod
Associate Director



Federal Bureau of Investigation

Washington, D.C. 20535

January 8, 2010

MR. TOMMY K. TYLER

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BOWLING GREEN, MO 63334

Subject: MARLEY, BOB

FOIPA No. 1133885- 001

Dear Mr. Tyler:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

Section

552a

☐ (b)(1)☐ (b)(7)(A)☐ (d)(5)☐ (b)(2)☐ (b)(7)(B)☐ (j)(2)☒ (b)(3) Federal Rules of Criminal☒ (b)(7)(C)☐ (k)(1)Procedure Rule 6(e)☐ (b)(7)(D)☐ (k)(2)☐ (b)(7)(E)☐ (k)(3)☐ (b)(7)(F)☐ (k)(4)☐ (b)(4)☐ (b)(8)☐ (k)(5)☐ (b)(5)☐ (b)(9)☐ (k)(6)☒ (b)(6)☐ (k)(7)

107 page(s) were reviewed and 100 page(s) are being released.

☐ Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:

☐ referred to the OGA for review and direct response to you.

☐ correspond with you regarding this consultation is finished.

referred to the OGA for consultation. The FBI will information when the

☒ You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60)

days

from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

☐ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

☒ See additional information which follows.

Sincerely yours,



David M. Hardy

Dissemination Section

Section Chief
Record/Information

Records Management Division

Enclosures (2)

No records responsive to your FOIPA request were located by a search of the electronic surveillance indices maintained at Federal Bureau of Investigation.

We have approximately 165 additional responsive pages that have not been processed. Since you have indicated that you only receive five dollars monthly, we are enclosing the first 100 pages provided to you free of charge. If you would like the remaining pages processed, please advise of your willingness to incur duplication fees of approximately \$16.50 if all of the pages are released. Please remember this is only an estimate, and if some of the pages are withheld, the actual charges could be less.

As stated previously, the cost indicated is only an estimate, therefore, no payment should be made at this time.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.